

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

FAIR ISAAC CORPORATION, a	)	Case No. 16-cv-1054 (WMW/DTS)
Delaware corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
FEDERAL INSURANCE COMPANY,	)	
an Indiana corporation, and ACE	)	
AMERICAN INSURANCE	)	
COMPANY, a Pennsylvania	)	
corporation,	)	
	)	
Defendants.	)	

**DECLARATION OF ALLEN W. HINDERAKER IN SUPPORT OF**  
**PLAINTIFF FAIR ISAAC CORPORATION'S OPPOSITION TO**  
**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, Allen W. Hinderaker, declare as follows:

1. I am an attorney with Merchant & Gould P.C., and I am one of the attorneys of record for Plaintiff Fair Isaac Corporation in the above captioned matter.
2. I make this declaration on my own information, knowledge, and belief in support of Plaintiff's Fair Isaac Corporation's Opposition to Defendants' Motion for Summary Judgment.
3. Attached hereto as Exhibit 1 is a true and correct copy of a Request for Information by Chubb and Son, a Division of Federal Insurance Company, which was used as Exhibit 143 in the October 24, 2018 deposition of Mr. Russell Schreiber. This document is filed UNDER SEAL.

4. Attached hereto as Exhibit 2, is a true and correct copy of excerpts from the transcript of the January 18, 2019 deposition of Ms. Tamra Pawloski. This document is filed UNDER SEAL

5. Attached hereto as Exhibit 3 is a true and correct copy of the United States and Securities and Exchange Commission, Form 10-K for The Chubb Corporation, which was used as Exhibit 18 in the August 02, 2018 deposition of Mr. John Taylor.

6. Attached hereto as Exhibit 4 is a true and correct copy of Dkt. No. 12-1 and Dkt. No. 2-1 of *Angelica Jones v. Federal Insurance Co.*, Case No. 3:14-cv-00313-RS (N. D. Cal. 2014).

7. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the transcript of the November 13, 2018 Deposition of Ramesh Pandey. This document is filed UNDER SEAL.

8. Attached hereto as Exhibit 6 is a true and correct copy of a June 26, 2006 email communication between Ms. Jandeen Boone and Mr. James Black, which was used as Exhibit 309 in the February 6, 2019 deposition of Ms. Jandeen Boone. This document is filed UNDER SEAL.

9. Attached hereto as Exhibit 7 is a true and correct copy of a June 27, 2006 email communication between Ms. Jandeen Boone and Mr. James Black, which was used as Exhibit 311 in the February 6, 2019 deposition of Ms. Jandeen Boone. This document is filed UNDER SEAL.

10. Attached hereto as Exhibit 8 is a true and correct copy of a February 7, 2006 communication identifying Mr. James W. Black as a member of Chubb and Son's

Vendor Management Department, which was used as Exhibit 144 in the October 24, 2018 deposition of Mr. Russell Schreiber. This document is filed UNDER SEAL.

11. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the transcript of the February 6, 2019 deposition of Ms. Jandeen Boone. This document is filed UNDER SEAL.

12. Attached hereto as Exhibit 10 is a true and correct copy of the Software License and Maintenance Agreement, which was used as Exhibit 110 in the October 24, 2018 deposition of Mr. Russell Schreiber. This document is filed UNDER SEAL.

13. Attached hereto as Exhibit 11 is a true and correct copy of a June 6, 2006, email communication, between Ms. Jandeen Boone and Mr. James Black, which was used as Exhibit 305 in the February 6, 2019 deposition of Ms. Jandeen Boone. This document is filed UNDER SEAL.

14. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the transcript of the February 26, 2019 deposition of Lawrence Wachs. This document is filed UNDER SEAL.

15. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the transcript of the January 16, 2019 deposition of Mr. William Waid. This document is filed UNDER SEAL.

16. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the transcript of the October 24, 2018 deposition of Mr. Russell Schreiber. This document is filed UNDER SEAL.

17. Attached hereto as Exhibit 15 is a true and correct copy of a May 26, 2009 email communication between Mr. Henry Mirollyuz and Mr. Richard Johnson which was used as Exhibit 3 in the July 31, 2018 deposition of Mr. Henry Mirollyuz. This document is filed UNDER SEAL.

18. Attached hereto as Exhibit 16 is a true and correct copy of a Statement of Work between FICO and Chubb & Son dated June 30, 2011, which was produced as Bates Nos. FICO0057538-0057548. This document is filed UNDER SEAL.

19. Attached hereto as Exhibit 17 is a true and correct copy of a Statement of Work between FICO and Chubb & Son dated July 18, 2013, which was produced as Bates Nos. FICO0057488-0057494. This document is filed UNDER SEAL.

20. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from the transcript of the October 2, 2018 deposition of Mr. Michael Sawyer. This document is filed UNDER SEAL.

21. Attached hereto as Exhibit 19 is a true and correct copy of excerpts from the transcript of June 4, 2019 Hearing. This document is filed UNDER SEAL.

22. Attached hereto as Exhibit 20 is a true and correct copy of a June 26, 2008 email communication from Mr. Andrew Millyard to Mr. Russell Hodey, which was used as Exhibit 241 in the January 18, 2019 deposition of Ms. Tamra Pawloski. This document is filed UNDER SEAL.

23. Attached hereto as Exhibit 21 is a true and correct copy of a May 21, 2009 email communication between Ms. Tamra Pawloski and Mr. Patrick Sullivan, which was

used as Exhibit 242 in the January 18, 2019 deposition of Ms. Tamra Pawloski. This document is filed UNDER SEAL.

24. Attached hereto as Exhibit 22 is a true and correct copy of Defendants' Responses to FICO's Second Set of Requests for Admission.

25. Attached hereto as Exhibit 23 is a true and correct copy of excerpts from the April 19, 2019 expert report of Neil J. Zoltowski. This document is filed UNDER SEAL.

26. Attached hereto as Exhibit 24 is a true and correct copy of the definition of expand as published online at [www.merriam-webster.com/dictionary/expand](http://www.merriam-webster.com/dictionary/expand), last accessed on August 23, 2019.

27. Attached hereto as Exhibit 25 is a true and correct copy of excerpts from the transcript of the April 19, 2019 deposition of William Waid. This document is filed UNDER SEAL.

28. Attached hereto as Exhibit 26 is a true and correct copy of a September 2015 presentation regarding Specialty Lines, which was used as Exhibit 149 in the November 13, 2018 deposition of Mr. Ramesh Pandey. This document is filed UNDER SEAL.

29. Attached hereto as Exhibit 27 is a true and correct copy of a January 12, 2016 email communication regarding CUW-IM Support Phase 1, which was produced as Bates Nos: FED016708\_0001 and FED16709\_0001-0009. This document is filed UNDER SEAL.

30. Attached hereto as Exhibit 28 is a true and correct copy of an April 1, 2016 email communication regarding the CUW-IM Support Phase 2, which was produced as Bates Nos.: FED016932\_0001 and FED016933\_0001-0018. This document is filed UNDER SEAL.

31. Attached hereto as Exhibit 29 is a true and correct copy of a January 8, 2016 email communication between Mr. Michael Sawyer and Mr. Elie Merhab, which was used as Exhibit 65 in the in the September 11, 2018 deposition of Mr. Oliver Clark. This document is filed UNDER SEAL.

32. Attached hereto as Exhibit 30 is a true and correct copy of a January 27, 2016 email communication between Mr. Michael Sawyer and Mr. Elie Merhab, which was used as Exhibit 131 in the October 24, 2018 deposition of Mr. Russell Schreiber. This document is filed UNDER SEAL.

33. Attached hereto as Exhibit 31 is a true and correct copy of a March 23, 2016 email communication between Mr. Michael Sawyer and Mr. William Waid, which was used as deposition Exhibit 226 in the April 19, 2019 deposition of Mr. William Waid. This document is filed UNDER SEAL.

34. Attached hereto as Exhibit 32 is a true and correct copy a December 3, 2010 email communication between Mr. Henry Mirolyuz and Mr. Tony Zhang, which was used as deposition Exhibit 7 in the July 31, 2018 deposition of Mr. Henry Mirolyuz. This document is filed UNDER SEAL.

35. Attached hereto as Exhibit 33 is a true and correct copy of a of a March 1, 2016 email communication between Mr. William Waid and Mr. Michael Sawyer, which

was used as deposition Exhibit 82 in the October 2, 2018 deposition of Mr. Michael Sawyer. This document is filed UNDER SEAL.

36. Attached hereto as Exhibit 34 is a true and correct copy of Blazer Advisor Global Pricing List, which was used as deposition Exhibit 421 in the April 19, 2019 deposition of Mr. William Waid. This document is filed UNDER SEAL.

37. Attached hereto as Exhibit 35 is a true and correct copy of Chubb and Son's usage of Blaze Advisor, which was produced as Bates No. FED017914\_0001. This document is filed UNDER SEAL.

38. Attached hereto as Exhibit 36 is a true and correct copy of Federal Insurance Company's Fifth Supplemental Answer to Plaintiff's Interrogatory No. 16 and Sixth Supplemental Answer to Plaintiff's Interrogatory No. 17, dated March 21, 2019. This document is filed UNDER SEAL.

39. Attached hereto as Exhibit 37 is a true and correct copy of Federal Insurance Company's Fifth Supplemental Answer to Plaintiff's Interrogatory No. 18, dated March 21, 2019. This document is filed UNDER SEAL.

40. Attached hereto as Exhibit 38 is a true and correct copy of Federal Insurance Company's Fifth Supplemental Answer to Plaintiff's Interrogatory No. 19, dated March 2, 2019. This document is filed UNDER SEAL.

41. Attached hereto as Exhibit 39 is a true and correct copy of Federal Insurance Company's Fifth Supplemental Answer to Plaintiff's Interrogatory No. 20, dated March 21, 2019. This document is filed UNDER SEAL.

42. Attached hereto as Exhibit 40 is a true and correct copy of excerpts from a whitepaper entitled Business Rule Management Systems Strategy Assessment and Recommendations, which was used as deposition Exhibit 212 in the January 11, 2019 deposition of Mr. Henry Mirolyuz. This document is filed UNDER SEAL.

43. Attached hereto as Exhibit 41 is a true and correct copy of FICO Insurance Case Study presentation which was used as deposition Exhibit 521 in the June 27, 2019 deposition of Mr. R. Bickley Whitener. This document is filed UNDER SEAL.

44. Attached hereto as Exhibit 42 is a true and correct copy of a March 3, 2009 Gartner Research publication entitled Real-Time Decision-Making Applications Can Increase Revenue and reduce Costs in the Contact Center, which was produced as Bates No. FED000141\_0001-0005. This document is filed UNDER SEAL.

45. Attached hereto as Exhibit 43 is a true and correct copy of excerpts from the 2018 Annual Report of Chubb Limited, which was used as deposition Exhibit 450 in the June 5, 2019 deposition of Mr. Billy McCarter. This document is filed UNDER SEAL.

46. Attached hereto as Exhibit 44 is a true and correct copy of the calculation of Defendants' Federal Insurance Company's and ACE American Insurance Company's revenues derived from the use of Blaze Advisor on the sale of insurance policies. This document is filed UNDER SEAL.

47. Attached hereto as Exhibit 45 is a true and correct copy of excerpts from the ACE American Insurance Company Annual Statement.



48. Attached hereto as Exhibit 46 is a true and correct copy of excerpts from Federal Insurance Company Combined Statutory Financial Statements from December 31, 2017 and December 31, 2016, which was produced as deposition Exhibit 42 at the August 2, 2018 deposition of Mr. John Taylor.

I declare under the penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: August 26, 2019

/s/ Allen W. Hinderaker  
Allen W. Hinderaker